

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
In re)	Chapter 7, No. 18-30549-EDK
)	
R. SUSAN WOODS)	
)	
Debtor)	
_____)	
)	
R. SUSAN WOODS)	
)	
Plaintiff)	
)	
v.)	Superior Court Case No. 1980CV00040
)	
JOSEPH B. COLLINS, TRUSTEE IN)	
BANKRUPTCY OF R. SUSAN WOODS)	
)	
Defendant)	
_____)	

NOTICE OF REMOVAL

To the HONORABLE MARK G. MASTROIANNI, District Court Judge:

Now comes JOSEPH B. COLLINS, the Chapter 7 Trustee in Bankruptcy of R. Susan Woods (the “Trustee”), and, pursuant to 28 U.S.C. §§ 157, 1334, 1441, and 1452, Fed. R. Civ. P. 81(a), Fed. R. Bankr. P. 9027, he does hereby remove the matter of R. Susan Woods v. Joseph B. Collins, Trustee in Bankruptcy of R. Susan Woods, pending in the Hampshire County Superior Court for the Trial Court of Massachusetts (the “Hampshire County Superior Court”) as Case No. 1980CV00040 (the “Civil Action”) to the United States Bankruptcy Court (the “Bankruptcy Court”). In support of this Notice, the Trustee respectfully represents the following:

1. On July 10, 2018, R. Susan Woods (the “Debtor”) filed a Voluntary Petition pursuant to the provisions of Chapter 7 of the United States Bankruptcy Code (the “Bankruptcy Code”). The Debtor’s bankruptcy case is Docket No. 18-30549-EDK.

2. On July 11, 2018, Joseph B. Collins accepted the appointment as Trustee for the above-entitled estate and he continues to serve in that capacity.

3. On February 27, 2019, the Debtor commenced the Civil Action against the Trustee in the Hampshire County Superior Court pursuant to a pleading entitled “Emergency Motion Seeking a Temporary Restraining Order To Prevent Constructive Eviction of Lawful Occupant Woods” (the “Civil Action”). A copy of all process and pleadings will be filed contemporaneously with this Notice.

4. Through the Civil Action in the Hampshire County Superior Court, the Debtor is seeking relief from three recent orders issued by the Bankruptcy Court (the “Bankruptcy Court Orders”). *See* Civil Action pp. 3 (“Woods requests a stay by way of a restraining order of the orders by the Bankruptcy Court....”).

5. The Bankruptcy Court Orders concern the administration of the bankruptcy estate, the turn over of property of the bankruptcy estate, and the sale of property of the bankruptcy estate.

6. The United States District Court has original and exclusive jurisdiction of all matters under the Bankruptcy Code (Title 11 of the United States Code). 28 U.S.C. § 1334(a).

7. If the United States District Court has jurisdiction of a matter pursuant to 28 U.S.C. § 1334, a party may remove that civil action to the United States District Court. 28 U.S.C. §§ 1441 and 1452.

8. The Trustee says that the Debtor’s Civil Action against the Trustee arises under the Bankruptcy Code and, therefore, the United States District Court has original and exclusive jurisdiction over the Civil Action.

9. Pursuant to 28 U.S.C. § 157(b)(2)(A), (E), and (N), upon removal of the Civil Action, the proceeding is core.

10. Pursuant to 28 U.S.C. § 157(a) and Rule 201 of the Massachusetts Local Rules for the United States District Court, “any and all proceedings arising under Title 11 or arising in or related to a case under Title 11 shall be referred to the judges of the bankruptcy court for the District of Massachusetts.”

11. The Trustee says that the Civil Action should be referred to the Bankruptcy Court.

12. Upon removal of the Civil Action, the Trustee consents to the entry of final orders and judgment by the Bankruptcy Court.

WHEREFORE, the Trustee respectfully provides Notice of the removal of the Civil Action, requests that the Civil Action be referred to the Bankruptcy Court, and seeks any other and further relief as the Court deems just and proper.

JOSEPH B. COLLINS, TRUSTEE

Dated: March 4, 2019

By: /s/ Joseph B. Collins
JOSEPH B. COLLINS, ESQ.
(BBO No. 092660)
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JOSEPH B. COLLINS, TRUSTEE IN)	
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Defendant)	
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CERTIFICATE OF SERVICE

I, JOSEPH B. COLLINS, of the law firm of HENDEL, COLLINS & O'CONNOR, P.C., do hereby certify that, on March 4, 2019, upon receipt of the Notice of Electronic Service of the Trustee's Notice of Removal, a copy of the attached pleading was filed with the Clerk of the Hampshire County Superior Court and served upon the parties below:

First Class Mail:

R. SUSAN WOODS
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Email:

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Dated: March 4, 2019

/s/ Joseph B. Collins
JOSEPH B. COLLINS, ESQ.